

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

No. 0:20-cr-00035-MJD-KMM

Plaintiff,

v.

ORDER

ALONZO CARTER,

Defendant.

Alonzo Carter has moved the Court for a furlough from custody so that he may attend his mother's funeral in Chicago, Illinois. (ECF 29.) Although the Court shares its condolences with Mr. Carter and his family, the motion is denied for the reasons set forth below. However, as also addressed below, the Court encourages the staff at Sherburne County Jail to permit Mr. Carter to participate in a remote private viewing, attend the funeral remotely, or otherwise pay his respects to his mother.

Factual Background

Alonzo Carter is charged by Indictment with three counts related to the distribution of drugs and the unlawful possession of firearms. (ECF 1.) If convicted, he faces a mandatory minimum sentence of ten years for the drug offense, followed by a mandatory consecutive five-year term for Count 3. Two of the three offenses alleged trigger the application of a rebuttable presumption in favor of detention pending trial. 18 U.S.C. § 3142(e)(3).

Mr. Carter was arrested in February 2020. He waived his right to contest his detention and was ordered detained because his release would present both a danger to the community and a risk of flight. (ECF 16.) He is currently in Sherburne County Jail, awaiting his pretrial motion hearing.

Mr. Carter's mother passed away recently. Her funeral services are being held in Chicago on Friday, May 8, 2020. He asks to be released from custody so that he can attend the services with a family member.

Analysis

The Court has the authority to order the temporary release of a federal pretrial detainee, pursuant to 18 U.S.C. § 3142(i). However, for three reasons the Court denies Mr. Carter's request in this case.

First, the Court finds that Mr. Carter presents an unacceptable risk of nonappearance. His criminal history, as detailed in the Bond Report prepared by Pretrial Services details a history of failures to appear for court appearances, fleeing the police, and even escape. (ECF 15.) He is currently facing a lengthy mandatory sentence in federal prison if convicted of the offenses set forth in his Indictment. He is also facing first-degree drug charges in two separate pending cases in Hennepin County District Court. And, if anything, the personal challenges presented by attending a funeral for a close and beloved family member heighten the risk of failing to return to custody on time. This reality creates a serious risk of nonappearance that cannot be mitigated with any combination of conditions the Court can fashion.

Second, the Court finds that Mr. Carter presents a danger to the community that cannot be addressed by any combination of conditions. The current allegations against him include extensive multi-drug trafficking and the possession of multiple firearms, and there are two separate felony cases pending in state court that also allege the same sort of conduct. And although the dates are somewhat unclear, it appears that all of the pending drug offenses allegedly occurred while Mr. Carter was on some type of court supervision, possibly including being on both probation and pretrial supervision at the same time. This means that conditions the Court could impose are not sufficient to prevent similar conduct from occurring.

Finally, the Court finds that the current COVID-19 pandemic weighs against releasing Mr. Carter. Both Minneapolis and Chicago are in the midst of serious coronavirus outbreaks. The staff and administration at Sherburne County Jail are working

extremely hard to keep the virus from getting a foothold in that facility, which would endanger the health and even the lives of staff and inmates alike. If Mr. Carter is released to attend a funeral in Chicago, there can be little doubt that he would have contact with many family members and risk exposure to COVID-19. He would then be returned to custody at the jail, where he would be required to undergo a quarantine, a process which is both resource intensive for the jail and which requires one of a limited number of quarantine beds. In the Court's view, this presents an unacceptable risk.

Conclusion

For the reasons set forth above, Mr. Carter's Motion for Furlough (**ECF 29**) is **DENIED**. However, the staff at Sherburne County Jail are encouraged to allow Mr. Carter to participate in a private viewing or to observe the funeral using remote means, if possible, so that Mr. Carter may pay his respects to his mother. The government is encouraged to do what it can to help facilitate this opportunity.

Date: May 4, 2020

s/Katherine Menendez

Katherine Menendez

United States Magistrate Judge